

**Before the
Federal Communications Commission
Washington D.C. 20554**

In the Matter of)	
)	
Advanced Television Systems)	MB Docket No. 87-268
And Their Impact on the)	
Existing Television Broadcast Service)	
)	

To: The Commission

**REPLY TO THE PARTIAL OPPOSITION
OF PRIMELAND TELEVISION, INC.**

Belo Corp. ("Belo"), parent of the licensee of WHAS-TV/DT, Louisville, Kentucky (Facility ID 32327),¹ by its attorneys, hereby submits this Reply to the pleading ("Opposition") filed by Primeland Television, Inc. ("Primeland") in partial opposition to Belo's Petition for Reconsideration ("Petition") of the Seventh Report and Order ("DTV Table") in the above referenced docket. Primeland, the licensee of WLFI-TV/DT, Lafayette, Indiana (Facility ID 73204) opposes that portion of the Petition which requests changes to the technical parameters specified for WHAS in the DTV Table. Stations WHAS and WLFI are both assigned to Channel 11 for their post-transition digital operations.

Primeland argues that the proposed changes to WHAS' allotted DTV facilities would cause impermissible interference to WLFI's post-transition operations. As set forth below, however, without the changes requested in the Petition for WHAS' post-transition facilities, 168,806 viewers currently receiving WHAS' analog service and 203,258 viewers currently receiving WHAS' digital service would lose WHAS' service

¹ Station WHAS-TV/DT is licensed to Belo's subsidiary, Belo Kentucky, Inc.

altogether after February 17, 2009.² By contrast, with the changes requested in the Petition, no *existing* WFLI viewer would *lose* service. On balance, therefore, Belo submits that the change to the DTV Table requested in the Petition is in the public interest and should be granted.

In the Petition, Belo requests that the parameters specified in the DTV Table for WHAS be modified to reflect an omni-directional antenna pattern on Channel 11 at a power level of 6 kW and HAAT of 392 meters (the “WHAS-DT 6 kW Facility”). Belo further requests that its Form 381 certification be amended to clarify WHAS-DT’s intention to provide digital service replicating the station’s current analog facilities post-transition.

Station WHAS currently operates on NTSC Channel 11 and DTV Channel 55. Since its assigned digital channel is out-of-core, WHAS elected to revert to its analog Channel 11 for post-transition digital operations. Like many similarly-situated stations, upon reverting to its analog channel for post-transition digital operations, WHAS expects to use its existing analog omni-directional antenna for its digital facilities, so that it can fully replicate its current analog contour.³

² In the Petition, Belo stated incorrectly that 190,381 persons within WHAS’ *current analog Grade B contour* would lose service. As set forth in the attached Technical Statement of William R. Meintel, Meintel, Sgrignoli & Wallace, if WHAS must reduce power in order to use its omni-directional antenna and stay within the contour currently specified in Appendix B, 190,381 people within WHAS’ *currently allotted DTV contour* would be unable to view the station after the transition.

³ Belo has investigated the possibility of modifying its existing analog Channel 11 omni-directional antenna to create a directional pattern, but the antenna manufacturer has advised that such a modification would be extraordinarily time-consuming and expensive, if even possible. Furthermore, a modification this significant would require that the antenna be removed from the tower and sent to the manufacturer’s factory, thus leaving analog viewers without WHAS’ service in the months prior to the transition. It is well-understood and well-documented at this point in the digital transition that antenna manufacturers and tower crews are stretched to their limit. If a significant modification to the existing antenna is undertaken or a new directional antenna is commissioned, it would require a supreme effort by an antenna manufacturer to complete it by the February 2009 deadline. Further, a tower crew would have to be located and scheduled to remove the existing analog antenna and replace it with the new directional antenna – all

As explained in the Petition, however, the Form 381 submitted by WHAS more than three years ago has resulted in the unintended consequence of tens of thousands of WHAS' viewers facing the possibility of losing service when the transition ends. The Form 381 required that stations certify the facilities that they intended to operate with post-transition. Pursuant to the Commission's "use-it-or-lose-it" policy, however, if a station did not construct the facilities certified in the Form 381 by the station's applicable use-it-or-lose-it deadline, the station would lose interference protection for the unserved area. This dual purpose certification made it impossible for stations such as WHAS to make an accurate certification. Accordingly, in order to protect its viewers, WHAS now requests that its certification be amended to specify that the station will replicate its analog service area post-transition. The station could not have made this certification initially in the Form 381 because a digital facility replicating WHAS' analog facility could not be built by the use-it-or-lose-it deadline. Rather, WHAS was constrained to certify construction of its maximized Channel 55 digital facility (which would allow the station to meet its use-it-or-lose-it deadline) and to trust that the Commission would provide a means by which WHAS could eventually apply for the analog replication facility it actually intended to operate post-transition. Unfortunately, the Commission's process for developing the technical parameters in the DTV Table now threatens to leave thousands of WHAS' viewers without digital service post-transition.

The Commission, in creating the final allotments specified in the DTV Table, presumed a theoretical directional antenna pattern for stations, such as WHAS, which are reverting to a VHF channel from a UHF channel for their final digital facilities. The use

prior to the February 2009 deadline. In contrast, the use of the existing equipment only requires minor adjustments to existing equipment, all of which can be made by the station's engineer.

of this theoretical directional antenna pattern creates a pattern that is difficult if not impossible to serve with an omni-directional VHF antenna. In WHAS' case, the current prohibition on expanding currently authorized coverage areas would require that the station significantly reduce power – from 15.7 kW to 735 watts – so that its service contour will remain within the directional service contour currently specified in the DTV Table. See attached Technical Statement of William R. Meintel, Meintel, Sgrignoli, & Wallace (“Technical Statement”).

If WHAS is forced to reduce power to 735 watts to remain wholly within its currently allotted service contour, an overwhelming number of WHAS' viewers will lose service on February 17, 2009. Station WHAS is an ABC affiliate and serves the Louisville, Kentucky DMA. Operating at 735 watts with an omni-directional antenna, almost 12% of the population (or 190,381 viewers) within WHAS' current digital allotment contour would be unable to view WHAS after the transition. See Technical Statement. Likewise, with these parameters, 168,806 viewers within WHAS' current analog Grade B contour and 203,258 viewers within WHAS' current Channel 55 digital contour would be unable to view WHAS after the transition. Moreover, if WHAS is forced to reduce power to 735 watts post-transition, a considerable number of viewers located in the western and southeastern portions of WHAS' current Grade B contour will be unserved by an ABC affiliate after February 17, 2009. See Technical Statement, Map 5.

Primeland argues in its Opposition that WHAS' request is prematurely filed and that the WHAS-DT 6 kW Facility will cause impermissible interference to WLFI's post-transition operation on Channel 11. Primeland is mistaken on both points.

First, Belo's Petition is not premature. The digital transition is a mere fourteen months away and without immediate Commission action to modify WHAS' post-transition DTV allotment, a significant number of viewers will lose WHAS' service on February 17, 2009. It is therefore appropriate that the Commission deal with WHAS' request now and deal with it swiftly.⁴

Second, the WHAS-DT 6 kW Facility will not cause any *new* interference to WLFI's post-transition Channel 11 operations. WLFI's DTV Channel 11 facilities currently receive interference from WHAS' analog Channel 11 operations. With the WHAS-DT 6 kW Facility proposed in the Petition, WLFI's DTV Channel 11 facilities will actually receive less interference than is currently caused to WLFI by WHAS' analog operations. See Technical Statement.

Primeland asserts that this reduction in interference is irrelevant and that current levels of interference should be disregarded when considering the post-transition allotments. Primeland's assertion, however, is incorrect. At every stage of the channel election process, the Commission has taken into account current levels of interference when calculating the level of interference a digital allotment may cause another station. The methodology used by the Commission during the channel election process defined *new interference* as "interference beyond that caused by *existing* analog and DTV operations, as set forth in the certification database information..."⁵ In this case, the WHAS-DT 6 kW Facility will cause no *new* interference to WLFI's DTV Channel 11

⁴ It is also noted that that Commission staff specifically requested that WHAS file a Petition in this proceeding.

⁵ *Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MB Docket 03-15, FCC 04-192, released September 7, 2004 (emphasis added).

facility beyond the interference currently caused by WHAS' analog Channel 11 operations.

The WHAS-DT 6 kW Facility takes absolutely nothing away from WLFI's viewers. Maps 3 and 4 to the Technical Statement show that WLFI's DTV contour extends well beyond its current analog Grade B contour. Accordingly, no existing WLFI analog viewer stands to lose digital service post-transition. Moreover, Maps 3 and 4 to the Technical Statement show both the interference caused currently by WHAS' analog operations to WLFI's DTV Channel 11 service area, as well as the significant reduction in interference that the WHAS-DT 6 kW Facility would cause to WLFI post-transition. The red squares show the current interference caused by WHAS' analog operations, all of which is located along the outer edge of WLFI's digital service contour. Overlaid on the existing interference, in cross-hatch, is the predicted interference that the WHAS-DT 6 kW Facility would cause to WLFI post-transition. As Maps 3 and 4 demonstrate, the WHAS-DT 6 kW Facility will not cause any *new* interference to WLFI. Indeed, the interference caused to WLFI's service contour will be reduced by 55%. See Technical Statement. Currently, 202,808 persons within WLFI's digital contour receive interference from WHAS' analog operations. The WHAS-DT 6 kW Facility would cause interference to only 91,278 viewers within WLFI's DTV contour. See Technical Statement. Thus, at the end of the day, WLFI will gain 111,530 new viewers that do not currently receive its digital service, and no WLFI viewer will actually lose service because the 91,278 people located within the pockets of interference shown on Maps 3 and 4 do not currently receive WLFI's digital service. Moreover, in contrast to the viewers within WHAS' DMA who will actually lose service if the Petition is denied, no viewer within WLFI's

DMA (*i.e.*, the Lafayette, Indiana DMA)⁶ will lose service or receive interference from the WHAS-DT 6 kW Facility. See Technical Statement. Under these circumstances, Belo submits that, on balance, a grant of the Petition would best serve the public interest as it would ensure that service is not removed from any *existing* WHAS viewer and would still allow WLFI to gain a substantial number of *new* viewers.

Accordingly, for the foregoing reasons, Belo respectfully requests that the Opposition be denied and the Petition granted.

Respectfully submitted,

BELO CORP.

By: 

John M. Burgett

Joan Stewart

WILEY REIN LLP

1776 K Street N.W.

Washington D.C. 20006

202.719.7000

Its Attorneys

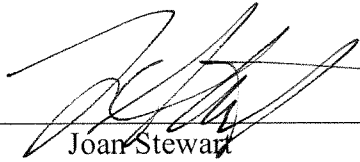
Dated: December 13, 2007

⁶ The Lafayette, Indiana DMA is shown in Maps 3 and 4, and includes Benton, Tippacanoe and Warren counties.

Certificate of Service

I, Joan Stewart, hereby certify that on this 13th day of December 2007, a copy of the foregoing Reply to the Partial Opposition, was sent via first class mail, postage pre-paid, and a courtesy copy sent via electronic mail to the following:

Mace J. Rosenstein
Christopher G. Tygh
Covington & Burling LLP
1201 Pennsylvania Avenue NW
Washington D.C. 20004-2401


Joan Stewart